

PARLIAMENTARY STANDARDS AND ACCOUNTABILITY

Motion

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [9.06 am] — without notice: I move —

That this house notes the erosion of parliamentary standards and accountability to Parliament by the McGowan government and its ministers.

What will emerge from what I have to say, and, indeed, has been the experience of many members on this side of the house on the non-government benches over the last 12 months or more, is that the Labor Party is not a party of government; it is a party of power. That is presumably a consequence of the role of the Labor Party as the political wing of the union movement and the manner in which those unions conduct themselves in public affairs, in the workplace and more generally. The fact that the Labor Party has turned into a party of power rather than government has been exemplified by the manner in which it has behaved more generally in government, but also by the manner in which it has disported itself in Parliament—it has cast away conventions and overridden the public interest more generally in its management of business in this house and of Parliament more generally. I expect that there will not be any direct response to any of the particular matters that I raise in the course of this presentation; rather, there will be obfuscation, condescension and dismissal—the usual things we have had to endure over the last 12 months or more.

Hon Simon O'Brien: Thereby proving your point.

Hon MICHAEL MISCHIN: Thereby proving my point indeed, Hon Simon O'Brien. We have seen the erosion of standards in the manner in which members of the government frontbench have behaved in not only this place, but also the other place over the course of the last year since entering office. The standards in Parliament generally have been governed by the manner in which this government has approached its office and its choice of ministers in many respects. The starting point, of course, is the standard that this government has set for itself. I ask members to cast their minds back to Friday, 17 March last year, when the Premier, Hon Mark McGowan, congratulated new ministers. To quote from *The West Australian*, the Premier —

... warned there would be high standards and a large caucus of Labor members prepared to step up.

“There is a very talented group of people in the Labor caucus but there’s also a very talented group of people in the Cabinet. But it bodes well for the people of the State that we have such a good group of people that fill positions in the future,” he said.

“I want to make sure everyone behaves appropriately and properly at all times.”

Indeed! It continues —

Mr McGowan said no one would be sacked over small mistakes, such as a parking ticket.

“Inevitably, issues come up and you can’t just sack people for minor mistakes, indiscretions or the like.” he said. “You can’t go through life like that because we all make mistakes.

“I want to make sure we have high standards. I’ve made that quite plain to the cabinet-elect yesterday and we’ll enforce high standards.”

If that is the case, then I do not want to hear anything from the other side about what happened in the last Parliament or 20 years ago and the like; that is irrelevant to this. We are judging what the McGowan government and the Premier considers to be high standards by his comments alone. Those are the standards that will be obeyed and observed into the future. When inevitably the sides in this house are swapped and those on the government bench at the moment, and particularly those on the backbench, might have the opportunity to be sitting over here, they have no cause to complain, Hon Darren West, about the standards that will be adopted towards them because the McGowan government will have sacked them.

Let us start with the high watermark, which is a little before this Parliament commenced, but again on the choice of ministers. This falls into three categories: the erosion of standards in not only government generally and the way that they are translated into this Parliament, but also the behaviour of ministers outside this Parliament representing this Parliament and this government, and their behaviour in this place. It started off at the high point of one Fran Logan having threatened contractors before the election at a public forum on 3 March. This is a report by ABC news on 9 March 2017. It showed some footage of Mr Logan, as he then was. Now he is Hon Fran Logan, a minister of the state and one of those hand-picked by the Premier as an example of high standards. The footage shows him telling the audience that a newly elected Labor government would fight any compensation claims. He states —

Extract from *Hansard*

[COUNCIL — Thursday, 14 June 2018]

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Hon Michael Mischin; Hon Sue Ellery; Hon Peter Collier; Hon Martin Aldridge; Hon Tjorn Sibma; Hon Jacqui Boydell; Hon Nick Goiran

“If they then turnaround and say now we want to be compensated for the loss of the long-term contract, I am sure that Mark ... will say see you in court,” Mr Logan said.

“That’s a long process. There’s lots of other projects coming up and we will remember your name if you put your tender in. If that’s the game you want to play. If you want to take us to the court, no worries.

“We’ll see you in court for over the next four or five years and when you put your tenders in we will look very carefully at your tenders.”

Mr Logan has denied the comments represented a threat to contractors.

That was the start of the rot because the Premier of high standards then set that standard by appointing that extortionist, that bully who has learned his craft in the union movement, to become a minister of state. What did he do about it? The Premier said, “I have severely counselled him”, whatever that means. Was that along the lines of: “Fran m-a-a-ate, you don’t say that sort of stuff! You just do it quietly when you’re a minister”, like back in the good old Burke days because, of course, that is where he learnt his craft. We see the standards set at a very early stage with the selection of ministers of this government. That has been translated through in other respects. I recall reading *Hansard* from the other place on the question of Mr Urban’s dishonesty. It was asked whether he had submitted false information of the character that he proffered to a parliamentary committee and ought the government look at that to see whether he had lied to become a corrective services officer. The response from this minister was, “I have seen him in his prison uniform, but he is not a prison officer anymore. Why would we want to look into that?” The mind boggles as to the standards set there. But in terms of accountability to Parliament, over the last several months I have asked for information about what he and his department are doing. I have not received straight answers until relatively recently when I was told that the Commissioner of Corrective Services is now looking into the matter. That brings me to the question of how Parliament is being treated by ministers in this place and the other place. I do not want to say too much about the other place because it is not our house and it ought not to be of direct concern, but it troubles me when we look at the record and see ministers being fed dorothy dixer questions by their own backbenchers to the degree that has happened over there. We have had examples of that here as well that give ministers an opportunity to make a speech that takes up question time. That is the whole point of the exercise from the point of view of a government that wants to have power rather than to govern and be accountable under the standards that it has set. On many occasions in this place we have seen a question asked that takes months to get an answer. Hon Peter Collier has had that experience in respect of something as simple as accountability for a trip to China last year when it seemed that half the backbench went along as well as half the ministers and most of the public service. He could not get an answer for six months about how much it had cost. That is an astonishing thing! I have no doubt that it is all a question of timing and trying to give those answers when the government can be least accountable, the media is least interested and the government’s behaviour and the activities of its ministers can be overlooked.

The answering of questions is another example. Some ministers do their best. I have no particular criticism of parliamentary secretaries in this regard; they are, after all, the proxies for their ministers. Although I have to say that when I was a parliamentary secretary and I thought that the minister’s answer provided was not as satisfactory as this house might hope and expect, I would decline to present that answer at the time. I give credit to Hon Stephen Dawson. I think he has done his best to maintain those standards, presumably under considerable pressure from the person he represents from time to time. He has shown that he respects the institution of Parliament in a way that others on the other side of the chamber do not. I give credit where it is due. But the sorts of answers we have been receiving over the last 12 months or more are, to a large degree, a disgrace—obfuscation, prevarication, refusal to answer, weasel words and condescension. One of the worst offenders for condescending behaviour would have to be Hon Alannah MacTiernan. I say that for a number of reasons not only because of her behaviour towards members on this side of the chamber, but also the lack of obeisance that she chooses to display towards the Chair, Madam President. I find it particularly disturbing when she just wanders into this place as if she owns it and declines to show the respect that is due to the President. I can see that the Leader of the House seems to think that all this is funny, which again proves my point about how the Labor Party has no respect for conventions. I can see that Hon Darren West thinks it is risible as well because conventions are bourgeois concepts, are they not, Hon Darren West? When you have the power, you use it, from the point of the view of the Labor Party. When a person is in a position of power, they use and abuse it to stay in power. He can giggle away as much as he likes but here is an example of how he does not respect this place or the institution. Several ministers fall into that category. For example, the Attorney General—the pick of the bunch of lawyers in caucus; the best of the best to become first law officer of this state—decides to dispense outrageous comments and slanders in the other place about how members of the opposition are the supporters and protectors of murderers and paedophiles. He fails to treat anyone who asks a question of him with respect; he is condescending, and displays contempt for anything other than his opinion. He refuses to admit his mistakes and has misled the public on numerous occasions during the course of the last four years. He has now had to backtrack and try to dismiss it as, “I had an opinion

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then; I have had some different advice now. It doesn't matter." He has also had to backtrack on his election commitments. They are just examples of the low standards of the McGowan government.

But there are other examples, one of which is the manner in which we are informed—done the courtesy—if a minister is on official business in our electorate. It might seem a trivial matter, but I remind the Labor Party—the McGowan government—that it has not managed to destroy this institution of Parliament in the manner it would like. It is not the only party in this Parliament. It was not unanimously elected by every member of the public with a 99.9 per cent turnout, like in North Korea. It was not elected by unanimous, spontaneous demonstrations in the street of loyal citizens supporting the Labor Party. There are other parties in this place that need to be treated with respect because they were elected here by constituents—the people the Labor Party is meant to be governing for; not just its own interest groups and union bosses. One of those courtesies is to be told, as the member for our constituents, when a minister or parliamentary secretary is in a member's electorate. Some ministers do their best on this—Hon Sue Ellery and Hon Stephen Dawson provide notification—some do not. What is worse is that when we get a notification with very minimal information, the invitation is that if we want more information, we should contact X—for example, a senior adviser at the Premier's office—and when we write back asking for some more information like when, where and what, it is ignored. That is another example of McGowan government high standards. That has been going on for a year and a bit. I want government backbenchers to bear all that in mind, because that is the manner in which the Labor Party is setting the standard to be treated in the future. That is what the Labor Party is asking for by condoning this and allowing it to happen. So when, as will inevitably be the case, the Labor Party is over here and we are over there, it should not expect any more than it is proffering now.

For all the criticisms of Hon Colin Barnett as Premier—I will not go into the rights and wrongs—one thing that always impressed me was that he would draw the line at certain things: "That's not the way we would do it. That's not the way the Liberal Party or a government should do it." That was the way he treated matters. He had regard to convention and courtesy. That is not the way this Labor government works. An early example of that is not being invited to events within our electorates, even though they are for infrastructure built by the previous government. That is another example of the contempt the Labor government shows for anything that does not accrete power to itself. I suspect we will be getting lots of invitations in due course, when this government actually builds and does something rather than closes something down, in order to gloat and say, "Hey, look what we've built." But at the moment the theme and policy from this high-standards government seems to be to take credit for everything done by the last government, and to exclude those who were actually involved in those projects from even being there, let alone participating in the opening of infrastructure. It is, frankly, a disgrace.

This topic is very broad and I could easily spend the entire time allocated for non-government business talking about it. But I am limited in the time available to me, and I am conscious that other members may wish to tell of their experiences in this field. But the contempt shown to this Parliament—indeed to members of the parties not on the government benches—has been patent. The Attorney General has misled members of the public about who controls this house. I mentioned yesterday that there are nine Liberals, yet we somehow control this place. I am happy to accept that each one of us is worth one and a half or more Labor members, but it is dismissive of the other parties in this place. Whether the government likes it or not, there are One Nation members here; whether it likes it or not, there is a Liberal Democrat; whether it likes it or not, there are some National Party members; whether it likes it or not, there is a Shooters, Fishers and Farmers Party representative; and, whether it likes it or not there are some Greens. They deserve the same sort of respect. They deserve the respect of a government, not a party that seems to be interested in using every advantage of government, including in its media releases, to spruik itself and use government as a media opportunity and one of the organs of its party to stay in power.

HON SUE ELLERY (South Metropolitan — Leader of the House) [9.27 am]: I will make a couple of points. I think the key message here was illustrated a couple of times during Hon Michael Mischin's comments. It was that the opposition is trying to build a narrative, which it is trying to direct not to the public but to the crossbenchers, that somehow normal government business and conduct that has been longstanding practice is devious, evasive and conducted only by Labor's brand of politics. That is what I want to take issue with.

New members are entitled to judge the government as they find it; they will make their judgements, and I will accept them accordingly. The proposition from a former minister who sat at the cabinet table with Troy Buswell that the standards of this government are somehow wanting is astonishing. The proposition from a former minister who sat on these benches with Hon Helen Morton that it is this brand of politics that disrespects the Parliament is astonishing. Hon Helen Morton was on a daily basis rude to now government members. She did not answer questions. She disrespected the opposition every single day in every single response she gave on every single matter. If the proposition is that someone on our side does not pay the due respect to the Chair as she comes in and out of the chamber, Hon Helen Morton frequently—daily—did not do that. I do not say those things because I say, "And therefore I am right and they are wrong"; I am just trying to make the point that if the conclusion Hon Michael Mischin wants to draw is a pox on both our houses, so be it, but I will not be judged on respect to the

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Parliament and ministerial standards by someone who was part of the previous government's disrespect of the Parliament, and the appalling ministerial standards of Troy Buswell.

I want to address some of the issues that the honourable member made. One of the last ones that he made related to opening of government infrastructure. At a school opening that we attended earlier this year, the honourable member made the point that he was unhappy that he had not been invited to a particular event. I went back to my office and checked with my department on the standard operating procedure. The standard procedure for school openings, which is adopted by governments of both persuasions, is that the minister's office invites the shadow minister to attend every opening of a school. The local school issues the invitations to local members.

Hon Martin Aldridge: Well, they're not doing it.

Hon SUE ELLERY: That is the local schools —

The DEPUTY PRESIDENT: Order! The Leader of the House has the call.

Hon SUE ELLERY: This is a time-limited debate, and I did listen to the previous member. I asked what the practice and procedures were, and that is what I was told. The honourable member also made the point that he found it annoying—that is my word—that due respect and acknowledgement was not given to infrastructure projects commenced and funded by the previous government. At every single school opening—every single one—I made the point of acknowledging that the former government budgeted for and began the work on those projects. At every single one, the local members from the opposition came up to me and said, "Thank you for doing that. We didn't do it."

Several members interjected.

Hon SUE ELLERY: Honourable members, I did not interrupt the previous members. I have 10 minutes in which to speak and I have a lot to say.

Several members interjected.

The DEPUTY PRESIDENT: Order! Members, the mover of the motion was listened to in silence and I expect the same courtesy to be extended to the Leader of the House.

Hon SUE ELLERY: The point I am trying to make is that members should think about and unpack who this message from Hon Michael Mischin is being directed at. I reckon it is being directed at the crossbenches to try to build this narrative that somehow behaviour that he is describing as unacceptable is this party's brand of politics. I appreciate that the member is seeing this for the first time. I have been here for 17 years and I have seen the kind of behaviour that the honourable member is describing as appalling every single day from members of his government. I will not accept the judgement from him. I want to move on.

A proposition was put about notification emails. I asked my office to do a quick check. Hon Peter Collier set a good standard when he was minister in that when he sent out an email notification of the kind that Hon Nick Goiran complained about—I think Hon Nick Goiran described them as pointless—he had a line at the bottom of his emails, which stated, "I am going to be in X place. If you require any further information, please contact my office for that information." I never did but the invitation was there. Most other ministers in the previous government did not send those notifications. Every other minister who sent them to my office did not have that sentence that Hon Peter Collier added—"If you need any information, please contact my office." I just got examples from Hon Ken Baston and Dean Nalder when he was Minister for Transport. They would send the emails at about 4.55 or 5.05 pm before the event and there was no, "Please contact my office if you want additional information." Again, I am just trying to make a point about normal practice. One might make a judgement that it is good or bad but it is a practice that has been followed by both sides of politics. If the best judgement the honourable member can make is a pox on both our houses, so be it, but he should not be fooled into thinking that those people on the other side come at this with clean hands because they certainly do not.

I want to touch briefly on the five key points from the Langoulant inquiry. The special inquiry was damning about the lack of transparency and accountability of the previous Liberal–National government. I will quote five sections. Page 16 states —

A general lack of transparency and default response of 'commercial-in-confidence' to questions about projects has led to a reduction in accountability.

Page 84 states —

... the Special Inquiry has determined that there has been a general lack of transparency in major projects over the period examined.

Page 84 also states —

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Throughout the examination of the programs and projects that form the Terms of Reference for the Special Inquiry, evidence of over-use of ‘commercial-in-confidence’ and lack of transparency about project decision-making and progress reporting was uncovered.

Page 89 states —

Major projects involve large contracts. There is a lack of transparency around the commercial negotiations, even where there would be no disadvantage to any party.

Page 89 also states —

Sharing of the details of final costs and outcomes, and the realisation of benefits, does not occur.

I want to touch briefly on the issue of FOIs because I know that has received a bit of attention and had a bit of ventilation. I answered a question yesterday or the day before indicating that in the financial year to date, more than double the number of FOI applications have been lodged than in the previous financial year.

Hon Martin Aldridge interjected.

Hon SUE ELLERY: Honourable member, I listened in silence. This is a time-limited debate. I know he finds it hard, but I will ask him not to interrupt me.

Many of those FOIs have come from Hon Mike Nahan’s office—the LOOP office. Frankly, we would expect the Leader of the Opposition to lodge a lot of applications. However, many of them are of such broad scope that they take additional time to work through. I will give some examples of the broad and imprecise nature of the applications. It includes a standard form of words: “Information in the form of whole or part documents, emails, facsimiles, written notes, Post-it notes, pictures and other visual and audio formats, presentations, electronic messages of any kind and any other form of written or electronic information or documentation communicated.” That is not unusual. That is a standard set of words that we use. We used a similar set of words when we were in opposition. However, add to that range of documents that we have to look at, the following: “To or from any ministerial office, media outlet or government department in relation to four staff members.” Imagine collecting information relating to four staff members in the Premier’s office. There was a request for all the documents to the other 16 ministers. That is an extraordinary amount of work. It can be done but it takes a lot of resources and a lot of extra time to do it. It is not just that there is a large number of them. It is not just that they require someone to investigate a huge range of documents. It is about every single communication to every single minister. That requires a lot of investigation. Yes, it has taken a while. The smarter thing to do is for the opposition to figure out exactly what it is looking for and narrow the scope at the beginning. That would give us less of an excuse, if it thinks that is what we are creating, to say that it is too much work to do. The other implication of that is that all the applications lodged by other people—for example, members of the crossbench or, indeed, non-political organisations, members of the community, who are looking for information from government through FOI—get delayed because of the way that the opposition is seeking to lodge its FOIs.

I want to make one further point about the notion that there is some grand conspiracy happening on this side and it is a function of Labor being in government about how this house is managed. Earlier this week we debated the additional sitting hours. I thanked members for their contributions and their assistance in being able to generate some additional sitting hours. During his contribution to that debate, Hon Martin Aldridge stated—I am referring to page 42 of the uncorrected *Hansard* of Tuesday, 12 June —

The proposed order of business for Tuesday and Wednesday reflects the order that the government intends to take on bills. However, on Thursday, the order of bills is completely flipped on its head. I think what will happen is what we saw towards the end of last year, when the government flip-flopped with the debate on bills and said it would do 10 minutes here and 10 minutes there and come back to something else next week.

Several members interjected.

The DEPUTY PRESIDENT: Order! The speaker has indicated she is not wishing to receive interruptions because it is a time-limited debate, and I have also indicated that I do not want to hear any interjections.

Hon SUE ELLERY: Thank you, Mr Deputy President.

I want to make the point that I try to accommodate members’ requests for when they are available.

Hon Martin Aldridge: Read the rest of the quote.

Hon SUE ELLERY: The rest of the quote I have in front of me states —

I will be surprised if the government is able to deal with any legislation and get it through the house in the next two weeks. With those few remarks, I will rest.

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I am not sure how that helps the member's argument. In any event, the order of business was changed this week to accommodate the opposition's requests and the interstate travel movements of a minister. That is what it was about; it is sensible, common and polite practice to make sure we order business in the way that suits the lead speaker from any party on that particular business. I raise that, not because Hon Martin Aldridge's comments are a particularly big deal—they are not—but I am trying to make the point that I think a narrative is sought to be built here that somehow this government does things in a way that is evasive —

Hon Nick Goiran: It is very, very shifty.

Hon SUE ELLERY: There it is; that is the narrative. Do members see? That is what members opposite are trying to build. This is not a debate to engage people outside here. It is a debate intended for in here; it is to build a narrative that somehow the way this government is doing its business is extraordinary.

Hon Nick Goiran: It is; it's extraordinarily bad.

Hon SUE ELLERY: There it is. The honourable member is helping me; thank you very much.

The point I am trying to make is that I ask new members to consider and look deeply at the message that is sought to be put to them here. I reckon that if members opposite think the standards we are applying are unsatisfactory, the best they can come at is a pox on both our houses —

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon SUE ELLERY: — because the proposition that the mover of the motion when he was in government conducted himself in any kind of stellar or outstanding way or in a way that set a standard that no-one else could possibly aspire to is absolute nonsense, not demonstrated by the facts. Poppycock is the word I would use—poppycock. I ask members to use their wisdom and their judgement to reach that conclusion too.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [9.42 am]: I enthusiastically support this motion. There has most definitely been a decline in parliamentary standards under this government. I have been in opposition on two occasions. I have to say that the other mob was bad, but this mob makes them look like rank amateurs. It started very, very early in this place when the Leader of the House tried to handball the Presidency to our side, and it comes through her words. When I questioned her on it, the following occurred —

Hon PETER COLLIER: I am going to tell the member. The answer is numbers, and 18 always beats 17.

Hon Sue Ellery: That is correct.

Hon PETER COLLIER: Absolutely! Hon Sue Ellery actually admits it. The government was willing to compromise the Presidency for the numbers; is that right?

Hon Sue Ellery: How was it compromised?

Hon PETER COLLIER: The government was willing to forgo the Presidency for the numbers.

Hon Sue Ellery: Wouldn't it be in everyone's interests, with such a massive majority elected in the Legislative Assembly, to ensure that we could deliver on our election commitments and the policies that we took to the election and ensure that we could pursue our agenda?

She purely and absolutely compromised the Presidency so she could get control of the house. It was supported by the parliamentary secretary over there in the following exchange —

I want to remind members of the former government that the best thing they can do in opposition is get out of the road and let Ben Wyatt, that very skilled economics fellow and barrister, do what he needs to do to repair the budget.

Hon Peter Collier: So, we don't have an opposition?

Hon DARREN WEST: It should get out of the road. If the measures that we introduce are so poor, the public will have a say on them.

This is the mindset of members opposite—the rule of decree mentality. Members opposite have a culture of contempt, disrespect and condescension.

Let us take the words of the chief comrade over there, the Premier. After 12 months, he was quoted in *The Weekend West* as follows —

A common hurdle for the McGowan Government in its first year has been legislation or Budget measures failing to get enough support in the fractured Upper House.

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The Premier said more work was needed to win over the crossbench MPs, which comprise three from One Nation, one Liberal Democrat, a Shooters and Fishers Party MP, as well as the Greens.

“We got 55 per cent of the vote, but didn’t end up with control of the Upper House,”

That is wrong. You guys did not get 55 per cent; you got 40 per cent of the vote in this house. Unless they want to move down the path of a unicameral system of government or change the voting system, members opposite should acknowledge that they did not get 55 per cent of the vote; they got 40 per cent of the vote and this house reflects community expectations. To try to usurp the authority of Parliament with these condescending comments epitomises exactly why this motion needs to be supported. The parliamentary standards of this place are appalling. It is a rule by decree from you guys. The Bolsheviks tried in 1917 to rule by decree. Their namesakes, the Bolsheviks, in 2018 are trying to do exactly the same, but they do not have the public’s authority to come in here and treat this place with contempt.

In addition, the Leader of the House cancelled pairs because she could not get her own way. She talked about how we acted the same way when in government. When did I ever cancel pairs? When did Hon Norman Moore ever cancel pairs? Did we ever? We never, ever did—not once. Did we ever use our thumping majority on that side of the house? Never once. Did we ever compromise a conflict of interest? Never once. You guys do it all the time. Did we try to hand over the Presidency? Never once. We respected the conventions of this house.

The Leader of the House has come in here with self-righteous indignation carrying on as though we acted that way. We never once cancelled pairs. You guys do not get your own way; you should respect the will of the house.

With that in mind, I will say quite categorically that there has been a decline in standards in this place. Trying to get information out of you guys, particularly when you are vulnerable, is like drawing teeth. You guys, the ministers over there, double dipped on cars. They got some money from the government; they got their pay for their car and they got the ministerial car.

Hon Stephen Dawson: Be careful. Are you saying ministers? Which ministers?

Hon PETER COLLIER: No; I am not going to be careful.

Hon Stephen Dawson: You’re making stuff up.

The DEPUTY PRESIDENT: Order! I am listening to the Leader of the Opposition as is Hansard in this time-limited debate. Other members need to listen to the Leader of the Opposition as well. Other members will get their chance in due course.

Hon PETER COLLIER: Thank you, Mr Deputy President.

It took 12 questions to get those answers. You sent me off from pillar to post, “Put it on notice; ask that person; ask the Presiding Officers.” I finally got it after three months. There were nine ministers who got the double dip—the extra \$5 300—including the leader of this house. Members opposite were telling us to tighten our belts and telling all the public servants to take a wage cut and they got \$5 300 in three months. Talk about hypocrisy!

The Premier went on one of his junkets to China, so I tried to find out why, how much it cost and who went. I asked on 7 December 2017: how many people went; how much it cost; and where did they stay? They were simple questions, easily found out. What was I told to do? I was told to put it on notice, so I waited. I put it on notice and it was due back on Wednesday, 11 April. What happened on Wednesday, 11 April? I was told, “You have to wait for another three weeks.” It was actually four weeks because the house was not sitting. Six months later, I got an answer. No wonder the government waited for so damn long. Do you know why, Mr Deputy President? Seventeen of them went—half the public service—went to China, and it cost \$250 000. Members opposite did not want that publicity. In addition, part of the answer referred to a plethora of other people who went—government representatives, tourism representatives, vice-chancellors, chief executive officers et cetera. I therefore asked another question. You always shunt me off from pillar to post to answer half the question. This is what I am talking about with parliamentary standards. Guess what? Another 32 people went. There were 18, plus another 32—50 people. It is a wonder they did not have to hire a bigger jet from Qantas to get them all over there. I am telling members now that there were another 50 altogether. This is what I am talking about with parliamentary standards. It should not be this hard. The Premier decided to go off on another junket to London with the tourism minister on the very first 24-hour flight to London, which our government organised. I asked how much it cost. This time, the Premier did not tell me to put it on notice; he told me to look at the quarterly travel report. I looked at the quarterly travel report. Do members know the last time this bunch tabled a quarterly travel report? It was for the period ended 30 September 2017. We have not had a quarterly ministerial travel report since 30 September.

Our government tabled them every single quarter. These guys have not tabled one since 30 September. That came in an answer to a parliamentary question, so the minister should not shake his head. The government has not tabled

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one. That is absolutely disgraceful. Ministers can try to defend themselves about transparency. I looked at whether a report on consultants had been tabled. It is meant to be tabled every six months. The last time the government tabled a report on consultants was June 2017. When we were in government, we tabled a report on consultants every six months. That is what we are talking about with the decline of standards.

Why is this happening? Why is this culture of contempt for Parliament and lack of respect happening? I will tell members why. It goes back to when the Labor Party was previously in government and I was shadow Minister for Education and Training. It was a great role. You guys completely messed that up. The then Minister for Education and Training took over in December 2006 and was education minister for almost two years. I was told to put 27 per cent of my questions to that minister on notice. That is more than one in four questions I was told to put on notice. Were they difficult questions? Let us have a look. There was the Twomey report about the teacher shortage at the time, so I asked when it would be released. What was the response? It was to put the question on notice. I am not talking about stuff that required forensic assessment. These are the sorts of responses I got. I asked when it would be released and was told to put the question on notice. This is a pearler. This would have taken 20 public servants at least three weeks to get! I asked whether the syllabus documents for years K–10 would be mandated for all schools across all sectors. I was told to put the question on notice.

Hon Stephen Dawson interjected.

Hon PETER COLLIER: No. I am saying that it was the former minister. I will tell the minister in a minute. I have a punchline; he will just have to wait.

Several members interjected.

The DEPUTY PRESIDENT: Order! Leader of the Opposition.

Hon PETER COLLIER: I asked how many staff were currently employed in the central office of the Department of Education and I was told to put the question on notice. There were dozens of these things. These are simple sorts of things for which I should have got an answer. The previous Labor government told me week in and week out to put them on notice. Do members know who was the education minister at the time? It was the emperor comrade, the current Premier, Hon Mark McGowan. There you go. You reap what you sow, guys. That culture of keeping things from the public and keeping things from Parliament is already inbred. The Premier has complete contempt for Parliament. He does not care. He said that Labor got 55 per cent of the vote. It did not get 55 per cent of the vote. It is in his DNA to keep things: “It doesn’t really matter. Don’t worry about them. It’s the Parliament; no-one cares.” He showed that when he was education minister. He has brought that very culture to this government. You guys are getting sucked in by it, because you are treating us with contempt. We represent the Western Australian public and we are not going to go down. We are going to keep highlighting these issues because, quite frankly, the government deserves everything that is coming to it. You reap what you sow, guys.

HON MARTIN ALDRIDGE (Agricultural) [9.52 am]: Where do I start with 10 minutes on a motion of this nature? First of all, I want to respond to some remarks made by the Leader of the House in her contribution before she had to swiftly depart the chamber on urgent parliamentary business. It is a shame that she is not here to hear my response, but maybe I will email her a copy or maybe Hon Darren West could pass on the message. She quoted from the uncorrected *Hansard* of Tuesday, 12 June, when this house was dealing with a motion to suspend standing orders to deal with the so-called priority legislation of this government. She quoted a passage and I interjected and asked her to please read the entire paragraph of my contribution. This was the bit that she missed out. The first line of the paragraph states —

I want to mention another issue that I see on the weekly bulletin, and I am not sure of the reason why, but it might be the availability of ministers and shadow ministers.

She failed to mention the opening remark in that paragraph. I then went on to say —

The proposed order of business for Tuesday and Wednesday reflects the order that the government intends to take on bills. However, on Thursday, the order of bills is completely flipped on its head. I think what will happen is what we saw towards the end of last year, when the government flip-flopped with the debate on bills and said it would do 10 minutes here and 10 minutes there and come back to something else next week. I will be surprised if the government is able to deal with any legislation and get it through the house in the next two weeks. With those few remarks, I will rest.

As we embark on the final day of this first sitting week of two sitting weeks before the winter recess, I think my suggestion is looking fairly safe. I think, by the end of the day, it is unlikely that any bill will have passed through this place this week. Then we will see what happens in the last week in June. Once again, the Leader of the House tells half the story.

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I turn now to one specific issue that I want to spend some time on, and that is the Financial Management Act 2006. If I am not mistaken, in 2006 we had a Labor government in Western Australia, so the FMA act is its legislation. I draw members' attention to sections 81 and 82, because the government seems to be struggling with its obligations under the legislation it brought to this place in 2006. Section 81 states —

The Minister and the accountable authority of an agency are to ensure that —

- (a) no action is taken or omitted to be taken; and
- (b) no contractual or other arrangement is entered into,

by or on behalf of the Minister or agency that would prevent or inhibit the provision by the Minister to Parliament of information concerning any conduct or operation of the agency.

Section 82 states —

- (1) If the Minister decides that it is reasonable and appropriate not to provide to Parliament certain information concerning any conduct or operation of an agency, then within 14 days after making the decision the Minister is to cause written notice of the decision —
 - (a) to be laid before each House of Parliament or dealt with under section 83; and
 - (b) to be given to the Auditor General.
- (2) A notice under subsection (1)(a) is to include the Minister's reasons for making the decision that is the subject of the notice.

Towards the end of last year, we dealt with another piece of priority legislation of the government. It was not going to come into effect until 1 July this year; nevertheless, the upper house was holding it up and we had to rush it through. It was the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017. In the lead-up to that debate, my colleagues and I asked some questions about the payroll taxation arrangements in Western Australia. On 28 November, Hon Jacqui Boydell asked question without notice 856, of which some notice was given. She asked, in part —

- (2) How many businesses in 2017–18 —

Which is the current financial year —

are estimated to pay payroll tax who fall within the payroll threshold of \$850 000 and \$1 million?

- (3) Of those identified in (2), what is the collective payroll taxation expected to be collected?
- (4) What would be the overall cost to government in lost revenue from raising the payroll taxation threshold to \$1 million over the forward estimates?

We know we are not going to get an answer when questions are grouped together, but the answer given by Hon Stephen Dawson states —

- (2)–(4) The government is considering changes to the payroll-tax-free threshold as part of the 2018–19 budget and any existing indicative analysis will inform cabinet's decision-making.

What a nonsense! We are talking about the 2017–18 budget. We asked for factual information about the state's taxation system now and across the forward estimates. We asked the exact same question the next day. This time Hon Colin Holt asked question without notice 885 and this time we added on a part that states —

- (4) If the minister again refuses to answer the question, when does he intend to meet his obligations in accordance with section 82 of the Financial Management Act 2006?

He then gave the same answer: "It is cabinet-in-confidence. We are not telling you." He then said that he would prepare a section 82 notice in due course. That was 29 November. Fourteen days is the time period for a minister to give a section 82 notice and to table it in both houses of Parliament. That was due on 12 December. The notice was deemed tabled on 20 December. The Treasurer could not even meet his obligations under section 82 in the 14-day time requirement. In the section 82 certificate that he tabled in both houses, he has stated —

I have decided that it is reasonable and appropriate not to provide the information being sought on the basis that the information is subject to Public Interest Immunity. The information being sought forms part of policy options being prepared for Cabinet deliberation as part of the 2018–19 Budget process.

The problem is that we asked him for information about 2017–18. We did not ask about the 2018–19 deliberations or what cabinet was thinking about or what it might do. We asked about the government's budget for 2017–18.

The Treasurer went on to say —

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Cabinet confidentiality is an essential part of the structure of Government and ensures that Cabinet members can freely exchange differing views as a necessary incident of the maintenance of the principle of collective responsibility. My decision not to provide the information sought is a necessary consequence of upholding the importance of the principle of Cabinet confidentiality. I have considered whether it is possible to provide a redacted copy of the information being sought from which the material subject to Cabinet confidentiality has been removed. I have determined that this is not possible in all the circumstances.

I have also considered whether material could be provided to answer subsets of the questions; however, I have deemed that this will not be appropriate nor create an environment conducive to unprejudiced Cabinet consideration in the future. An incomplete answer would provide Parliament only a partial view of the raft of issues that require to be considered by Cabinet. Providing incomplete data would place any policy discussion at an unfair disadvantage.

What a nonsense. He went on to say —

I note that I have now provided the information sought in parts 1 and 2 of Question Without Notice 885 and parts 2 and 3 of Question Without Notice 856 as part of a later Question Without Notice 935, albeit the question was asked slightly differently by the Member. This distinction was made as 935 was not linked ... to the broader policy options being prepared for Cabinet deliberation as part of the 2018–19 Budget process. I provide these answers below:

Our question did not even ask about the 2018–19 budget process; it asked about the government’s 2017–18 budget and the forward estimates.

I move on to this interesting letter that was sent to Hon Colin Holt on 21 May. Remember, the Treasurer gave this section 82 certificate in December of last year. On 21 May, Hon Colin Holt received a letter saying “oops”. The Treasurer stated —

I note that on 7 November 2017 I stated: ‘If we increased the threshold to \$1 million, the impact across the forward estimates would be \$139 million...’

I have referred my decision to not provide the information to the Auditor General and an Opinion of Ministerial Notification will be tabled in due course.

That date, 21 May, was fairly recent. The May 2018 “Opinions on Ministerial Notifications” was released around that period. I think what happened was the Treasurer realised he had stuffed up. He sent a letter to Hon Colin Holt saying, “I realise the error of my ways and I have advised the Auditor General.” Part of the Auditor General’s report stated —

The decisions by the Treasurer not to provide the requested information were not reasonable and therefore not appropriate.

The Treasurer said in this place, through his representative, “We can’t possibly tell you this information because it’s cabinet-in-confidence.” But what transpired is that he told the Legislative Assembly that information during debate on the bill that I mentioned earlier. He then told me that information in a question without notice at a later stage, in December. During the debate on this bill, Hon Stephen Dawson, the Treasurer’s representative in this chamber, actually gave that information to the chamber. I interjected at the time. I said to Hon Stephen Dawson —

You did not answer it last week because it was cabinet-in-confidence.

Hon Stephen Dawson replied —

This is the advice I am now given. I am also advised that the Treasurer gave this information in the Legislative Assembly. Member, I just want to place that on the record.

The government is treating cabinet-in-confidence as a joke. That information was about factual information; information that one could get from a parliamentary budget office, which I see the Labor Party is flip-flopping about whether it actually supports.

HON TJORN SIBMA (North Metropolitan) [10.03 am]: I welcome the opportunity to speak in support of the motion as moved by my colleague Hon Michael Mischin. The motion was phrased in the most polite manner. However, it is an iron fist cloaked in a velvet glove. I am prompted to speak because of not only the merits of the motion as it is put, but also the response it elicited from the Leader of the House. I think that response speaks to why sometimes this institution and the political profession, if I may call it that, is held in such low regard by members of the public. The argument prosecuted by the Leader of the House was nothing other than “what about-ism”—what about this; what about that? “What about-ism” is the refuge of a moral cretin. It is a cretinous argument. This house should judge this motion against the standards this government has set for itself against the standards the Premier, on being sworn in to government, set for not only himself, but also his cabinet and his caucus. I do not think standards have eroded slowly; they have collapsed rather quickly. Nowhere else

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should parliamentary standards be judged or, more to the point, a government's capacity to uphold parliamentary standards be judged, than by the quality of answers and the timeliness of answers that are provided to questions put in this house.

My brief contribution will touch on two matters: firstly, answers received to questions; and, secondly, the way in which freedom of information applications are dealt with by this government. I take that opportunity because the Leader of the House has provided it. In late December last year, I submitted a freedom of information request to the Premier's office concerning the management of information regarding the ex-member for Darling Range. I will return to that. In receiving a decision from the FOI coordinator in that department, it became clear that certain key documents were missing, the most notable of which was the actual statement provided by that ex-member to the house. It was the focus of the application, and that document was absent from the documents I received. I found that more than curious; I found that to be incompetent. I wondered why. I put to the Premier's representative in this house on 8 May the following question. I refer to parliamentary question 300 from Tuesday, 8 May. I asked —

I refer to governance practices in the Premier's office, particularly as they relate to the management of incoming and outgoing paper and electronic correspondence.

I asked a series of sub-questions, the thrust of which was whether members of the Premier's office had been made aware of their legal obligations to comply with the State Records Act; whether they do actually comply with that act; whether they comply with that act at all times; and if there are any aberrations that are negative to that, to please provide me some details. As Hon Martin Aldridge has observed, we know we are receiving the blow-off treatment when answers are grouped together. It is the signal that they are not treating the inquiry seriously and that they are showing members some contempt. I do not take it personally, but I share Hon Michael Mischin's concern that this is not so much a contempt for us, it is a contempt for the public. That is a serious issue.

I was advised rather breezily that the government expected its employees to comply with the law, but it actually made no claim to ensure that they were. I quote part of the response on behalf of the Premier —

I can advise that all staff in the Premier's office either have completed their training or are in the process of doing so.

I asked a follow-up question the next day, 9 May. I asked another series of questions in parliamentary question without notice 332, including how many staff in the Premier's office have completed training and when that training was conducted. The last question, which is the most important one, was —

(3) How many of the Premier's staff are in the process of completing their training concerning their obligations under the act and when did this training commence?

I asked the first question on 8 May and I asked the follow-up the next day, on 9 May. I had been told that people had completed training or were in the process of completing training. One would assume that that training commenced either on 8 May or at some date before that. One staff member was in the process of training. I asked quite clearly when their training commenced. The answer to that question was that one staff member commenced training on 9 May. So the answer provided to me on 8 May was wrong, unless the Premier has powers of time travel or there is a ripple in the space-time continuum in the Premier's office and people can move back and forth and undertake training. It is extraordinary! How am I, in all good conscience, supposed to accept a rubbish, contemptible and obviously wrong answer to a simple question like that? How can government members provide such dross and, if I may use the term, such crap to me and then explain that they are upholding parliamentary standards? Government members are upholding absolutely nothing of the sort.

The DEPUTY PRESIDENT: Order! Member, I think the point you make about language and upholding parliamentary standards is a good one. Perhaps that word you used just then and the way it was used was a little coarse. I am sure you will display better and more appropriate language in the future.

Hon TJORN SIBMA: Mr Deputy President, I will use the remaining time available to me with the utmost decorum that I can manage. I am a faulty human being.

Answers were provided that are obviously impossible and irrational and cannot possibly be accepted. Is that question and answer process a significant chink in the armour of the government's integrity? Probably not. But what it does is provide another example in a litany of examples that undermine the government's commitment to apparently running a gold-standard transparency and accountability operation.

I wish to speak to freedom of information more broadly. The Leader of the House seemed to complain that members take recourse to seeking answers through that process, as has been told to members time after time. The only reason we do that is that we do not get answers in this place to either questions without notice or even questions put on notice. We are forced to do this. I might also note the very selective time line utilised by the Leader of the House. She said that the number of freedom of information requests is double that of last year. I think she might dive a little deeper into the records and avail herself of the number of freedom of information requests

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that the now government, when in opposition, submitted in 2013 and beyond. I do not know whether much of a complaint was tendered at that time. This government uses every opportunity to obfuscate and hide—every opportunity. There is an excusing clause to freedom of information requests when it comes to not providing information, which the government has unfortunately utilised too effectively. If members ever get this, they should raise the alarm—access to information is denied on the basis that the information is not held by the staff member in the Premier’s office in his or her capacity as a member of the Premier’s office. That is a red alert.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [10.13 am]: I thank the honourable member for bringing the motion to the house. It is exceptionally important for the people of Western Australia that the opposition has this discussion in this house, because it is the right of an opposition to scrutinise government and it is in fact the obligation and role of government to ensure transparency in its decision-making. Throughout this whole debate I have been looking at government members, and not one government member has been observing the debate. Only one government member stood in defence of this government and its decision-making processes. I think that speaks very loudly for itself that there is actually nothing that this government can say that defends its actions. I find that appalling on behalf of the people of the Mining and Pastoral electorate and in fact I find it appalling on behalf of all Western Australians. It is very, very disconcerting that no government members in this house are willing to stand up and defend their record in government. I know that members on this side of the house are more than willing to defend their time in government, and will continue to do so. It is something that I, as a member of that government, was very proud of.

Reflecting upon the one government member who has contributed to this debate, and that was because it was her obligation to do so as Leader of the House, I found Minister Ellery’s response extraordinary. It is the whole reason that this debate has been brought to the house today, because there is a lack of willingness by this government to want to answer tough questions. Governments have to answer tough questions. In fact, it is the right of the people of Western Australia to hear the government’s answers to those questions. The Leader of the House suggested that this is some ploy by the member who brought this motion to the house to internally navel gaze on the house and its make-up, and that there are parties other than just the Liberal Party in opposition and that this is an attempt to try to get them onside by presenting some sort of conspiracy theory. That is just completely farcical.

Hon Peter Collier: Bizarre.

Hon JACQUI BOYDELL: Yes, it is bizarre; it is farcical. It reflects poorly on the minister’s 17 years of experience, as she told the house. I still cannot quite reconcile exactly where she was going with that. I assure the house that in my contribution to the debate and in my consideration of the motion, there is no conspiracy theory going on in my head. I am looking purely at my observation of things on which I, as a member, have tried to gain some clarity from this government. I will touch on a couple of those. Whilst we have reflected already today on the Langoulant report, I want to make some brief comments on that and about a comment the Premier made when the government received the report. The Premier said —

“We think the default position should be that information is released unless there’s a good reason not to,”
...

That noble sentiment was quoted in an ABC online report on 24 February 2018. I wanted to run a few decisions of this government through the lens of that noble sentiment to see exactly where we are at. First cab off the rank for me is the Local Projects, Local Jobs program. A motion was moved in the house yesterday by Hon Tjorn Sibma to create a joint select committee on the Local Projects, Local Jobs initiative. Every single time we have asked a question about this program, the government has said that this was a Labor Party election commitment and that it had delivered on that election commitment. It is all the Labor Party’s fault; the government just delivered on it! Is it the Labor Party running government or are government members running government? I am a bit confused about that. That is just like when we have asked questions about ministers attending fundraising events. Is the Labor Party running government or is this government making the decisions around the cabinet table? Is the state secretary of the Labor Party and the lay party organisation running the government, or are government members running the agenda? I am not sure; there is no clarity around that. To blame the lay party of the Labor Party for Local Projects, Local Jobs does not cut it, because government members spent taxpayers’ money to deliver what was apparently the Labor Party’s election commitment and not the government’s. I do not understand that.

Hon Nick Goiran: It makes it worse.

Hon JACQUI BOYDELL: Absolutely. It shows that the decision-making of government is not around the cabinet table; it is around the Labor Party’s lay party table. That is very concerning for the people of Western Australia. That is the only conclusion I can make, given the answers I have received on Local Projects, Local Jobs. We continue to hear members say that they are worthy recipients of funding from Local Projects, Local Jobs. That may well be the case but that is not the point. I have said many times that the recipients of that funding may be

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worthy—I am not questioning that. What I am questioning is the government’s decision-making process around spending \$40 million of taxpayers’ money when members on the other side suggest that the Langoulant report tells us, the Liberal and National Parties, how bad our decision-making process on financial matters was when we were in government. Government members need to look in their own backyard. There are no business cases, there is no scope for any of the funding and some recipients do not understand why they even got the funding. I have absolutely not been able to understand it. I have asked many questions about it. In fact, I asked a question on 11 April about Local Projects, Local Jobs funding in my electorate—the Mining and Pastoral Region. I received a tabled list of projects that were funded. It was quite bizarre because when I went through the list, there were things on the list such as dirt bins for \$6 000.

Hon Martin Aldridge: Dirt bins!

Hon JACQUI BOYDELL: Yes, dirt bins—that is it. The list also contained a sporting equipment grant for \$60 000 and dentist facilities for an aged-care home in Victoria Park. I even googled to see whether Victoria Park was hidden somewhere in the Mining and Pastoral Region that I had never seen before. I can guarantee members that Victoria Park is not in the mining and pastoral electorate. It is in Hon Ben Wyatt’s electorate.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! Hon Jacqui Boydell has the call.

Hon JACQUI BOYDELL: I put this question to the Minister for Regional Development on 11 April. In an attempt to get some clarity around what projects were funded, I wondered: What are these dirt bins? Are they in Karratha? Are they in Port Hedland? Are they in Shark Bay? I do not know. If this determines a history of accountability for funded projects in the Mining and Pastoral Region, when the government goes back in two years to see what its decision-making process was, I dare say that this will not be acceptable. Grants of \$35 000 were given for shades and lighting at a skate park. I agree that they are needed in the mining and pastoral electorate, but where are they? Who received the grant and why did they receive it? There is no clarity around Local Projects, Local Jobs and it will continue to be a noose around this government’s neck.

Hon Peter Collier: That is why we need a select committee.

Hon JACQUI BOYDELL: We need a select committee, and I am really looking forward to contributing to that debate.

I am going to run out of time. I also want to touch on the debacle that was the gold royalty increase brought to this house by this government twice, with no indication leading up to the budget last year that this was going to be the case. The government introduced the charges once the house had risen, so there was no opportunity for members to raise a disallowance motion. It is absolutely abhorrent behaviour by a government that does not give confidence to the people of Western Australia.

HON NICK GOIRAN (South Metropolitan) [10.24 am]: What a shifty, shifty government we have here in Western Australia. Is it not extraordinary that the only defence provided to this excellent motion moved by Hon Michael Mischin has been by the Leader of the House? In fairness to the Leader of the House, someone had to stand and say something. Is it not extraordinary that the only defence that she provided to a motion about the erosion of parliamentary standards and accountability to Parliament by the McGowan government and its ministers is to make some strange reference to Troy Buswell? For goodness sake, Mr Deputy President, members opposite obviously still do not get it!

It is appalling that the answers provided to this house show such disdain for the parliamentary process, as outlined by Hon Tjorn Sibma. It is telling when ministers simply group their answers to questions, which they do repeatedly. It was only earlier this week in my contribution to the debate on the budget papers when I indicated to the house several examples of systemic, evasive techniques used by this government. We need look no further than the multiple reports tabled by the Auditor General of Western Australia. The Auditor General consistently finds that the approach taken by the McGowan government is unreasonable. It shows utter disdain for the standards of Parliament, and for the Leader of the House to somehow reference former members is, once again, pathetic. I have raised on numerous occasions the ridiculous state of affairs when ministers opposite send pointless emails to members telling them that they are going to be in their electorate, and then when further questions are asked about it, they refuse to provide an answer. This is not just about the pointless emails that McGowan government ministers send. What makes it worse is when the Auditor General of Western Australia consistently tells us that this government’s approach is unreasonable. Of course, I have already stated several times this week that the approach taken by the Minister for Child Protection to the children in Roebourne and the completely evasive techniques used by that minister are a disgrace. It is beyond pathetic. It is an absolute disgrace. Those victims of child abuse in Roebourne deserve better than that.

Extract from *Hansard*

[COUNCIL — Thursday, 14 June 2018]

p3372a-3384a

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Motion lapsed, pursuant to standing orders.